

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-48019-mlo

**Calvin Bowden,
Linda Bowden,**

Chapter 7

Hon. Maria L. Oxholm

Debtors.

EX PARTE MOTION FOR ORDER REOPENING CASE

Andrew R. Vara, United States Trustee, for his Motion for Order Reopening Case, states as follows:

1. The Debtors filed this Chapter 7 case on March 18, 2009.
2. Timothy J. Miller was appointed and acted as the chapter 7 Trustee in this case.
3. On July 14, 2009, the debtors received a discharge. On July 17, 2009, the Court entered an order closing this case.
4. Wells Fargo has informed the former trustee that a pre-petition asset exists. Publicly available information reveals that this asset is likely a refund for unnecessary force-placed auto insurance policies imposed by Wells Fargo over about an 11 year period.
5. Under 11 U.S.C. § 350(b), a closed case may be reopened to administer assets, to accord relief to the debtor, or for other cause. Under F.R.Bankr.P. 5010,

the Court shall order the appointment of a trustee by the United States Trustee in a reopened chapter 7 case if “necessary to protect the interests of creditors and the debtor or insure efficient administration of the estate.”

6. This bankruptcy case should be reopened and a trustee should be appointed to administer the bankruptcy estate’s interest in the pre-petition asset for the benefit of the estate’s creditors.

7. Therefore, the United States Trustee submits that cause exists to reopen this bankruptcy case.

8. The United States Trustee also requests that the fee to reopen this case be exempt because this motion is filed by the United States Trustee, a federal agency.

WHEREFORE, the United States Trustee requests that this Court enter the attached Order Reopening Case.

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE
Regions 3 and 9

By: /s/ Paul J. Randel
Assistant United States Trustee
Office of the U.S. Trustee
211 West Fort St - Suite 700
Detroit, Michigan 48226
(313)226-4541
Paul.Randel@usdoj.gov
[P58419]

Dated: June 23, 2020

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ORDER REOPENING CASE

THIS MATTER came before the Court on the United States Trustee's Motion for Order Reopening Case. Cause has been established. The Court being sufficiently advised in the matter,

IT IS THEREFORE ORDERED that this case is **REOPENED**.

IT IS FURTHER ORDERED that a Trustee must be appointed by the United States Trustee to protect the interests of creditors and to ensure the efficient administration of this case.

IT IS FURTHER ORDERED that the fee to reopen this case is exempt.

IT IS FURTHER ORDERED that the Trustee has until August 1, 2020, to initiate action to administer the asset described in the Motion, or to file a report of no distribution if the trustee determines it appropriate.

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2020, I served copies as follows:

1. Documents Served: *Ex Parte Motion for an Order
Reopening Case and Certificate of
Service.*
2. Served Upon: Calvin and Linda Bowden
1710 Knowles
Ypsilanti, MI 48198
3. Method of Service: First Class Mail

ANDREW R. VARA
UNITED STATES TRUSTEE
Regions 3 and 9

By: /s/ Keith Flood
Paralegal
Office of the U.S. Trustee
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Dated: June 23, 2020